

Litigation or Collaboration?

Which Would You Use to Settle Your Dispute?

Litigation

Operates by assigning blame or fault and relies on coercion to obtain results.

Creates an atmosphere of intimidation and fear.

Filters communications and negotiations by going through parties' lawyers using the "he said she said" method of relaying information

Subjects parties to cross examination, to examinations for discovery, subpoenas, written discovery, and unwanted hearings.

Takes expenses out of your control and gives the other side the option of forcing you to spend money for dispositions, hearings, and unproductive discovery.

Gives the court control over the scheduling of the case.

Provides a public record of all court hearings.

Forces the lawyers to prepare for trial from the moment the case begins—creating unnecessary expenses if the case settles.

Requires each party to obtain at least one "hired gun" who must be willing to testify in support of that party's claims in court if an expert is needed.

Promotes the abdication of responsibility for the resolution of the dispute by placing the task in the hands of the judge or.

Imposes no duty to correct misunderstandings or mistakes that a party may rely on to his/her detriment.

Requires no party to disclose any relevant facts, documents or information unless specifically asked by another party.

Creates an imbalance of power when one party has greater financial resources than other parties.

Collaboration

Relies on problem solving and informed agreements.

Provides a safe environment for the exchange of ideas and possible solutions.

Employs face-to-face meetings with all parties and lawyers hearing the same information at the same time with the ability to correct any misunderstandings.

Follows an agreed meeting agenda with no surprises, demands, or court appearances.

Allows the voluntary agreement of the parties to determine what documents and information are necessary to reach a resolution of the disputed matter.

Gives parties control over scheduling of all meetings and deadlines.

Employs private and confidential meetings.

Allows lawyers to focus 100% of their time and talent-as well as their client's money-on discovering the optimum solution.

Provides for a jointly engaged objective expert who will never testify; thus, saving money as well as giving a greater selection of experts because some experts refuse cases which require a court appearance.

Takes control of the dispute and actively seeks resolution providing a greater likelihood that the parties will be satisfied with the result.

Requires the parties' lawyers to correct all misunderstandings and/or mistakes.

Requires full disclosure of facts, documents, or other information which has any bearing on the resolution of the dispute.

Levels the playing field by giving all parties control over the choice of experts and financial expenditures.

Nelson, British Columbia, Canada

Alternative Dispute Resolution



COLLABORATIVE
PRACTICE
Resolving Disputes Respectfully